

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UMAR ALLI,

Plaintiff,

-against-

CITY OF NEW YORK, ET AL.,

Defendants.
----- X

**DECLARATION OF
JOSEPH A.
MARUTOLLO IN
SUPPORT OF
DEFENDANT CITY OF
NEW YORK'S
MOTION TO DISMISS
THE COMPLAINT**

14 Civ. 6597 (AT)

Joseph A. Marutollo, an attorney duly admitted to practice in the Southern District of New York, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendant City of New York.

2. This declaration is submitted in support of defendant's motion to dismiss the complaint, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. I am familiar with the facts and circumstances stated herein based upon personal knowledge, the books and records of the City of New York, and conversations with its agents and employees. I submit this declaration to place the relevant documents in the records.

3. A copy of plaintiff Alli's application to proceed with IFP status, dated August 11, 2014, is annexed hereto as Exhibit "A." Exhibit "A" is plaintiff's request to proceed *In Forma Pauperis*.

4. A copy of the comptroller's information, dated November 3, 2014, is annexed hereto as Exhibit "B." Exhibit "B" is a copy of the information pertaining to the settlement check issued by the Comptroller to Plaintiff Alli, which indicates that a check to plaintiff for \$50,000 was cashed on April 30, 2014.

5. A copy of Plaintiff's letter to the Court, dated November 13, 2014, is annexed hereto as Exhibit "C." Exhibit "C" is a letter written by plaintiff to the Court explaining the discrepancies in his application for IFP status.

Dated: New York, New York
December 10, 2014

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for Defendant City of New York
100 Church Street, Room 3-168
New York, New York 10007
(212) 356-2334

By: /s/
Joseph A. Marutollo
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Umar Alli, Plaintiff *Pro Se* (By First Class Mail)
Din #:12A1086
Downstate Correctional Facility
Red Schoolhouse Road, Box 445
Fishkill, NY 12524-0445

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DECLARATION OF JOSEPH A. MARUTOLLO

ZACHARY W. CARTER

*Corporation Counsel of the City of New York
Attorney for Defendant City of New York
100 Church Street
New York, New York 10007*

*Of Counsel: Joseph Marutollo
Tel: (212) 356-2334*

Due and timely service is hereby admitted.

New York, N.Y., 2014

..... Esq.

Attorney for